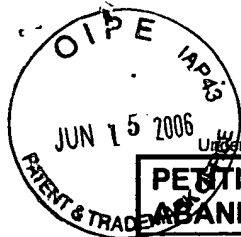


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Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

05-09-2844

First named inventor: Kashoji, Yoshihiro

Application No.: PCT/JP2003/011963

Art Unit:

Filed: 09/18/2003

Examiner:

Title: Battery Type Lighter

Attention: Office of Petitions

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

## **APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

### **1. Petition fee**

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

### **2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of U.S. National Entry Under 35 USC 371 (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

June 14, 2006

Date

R. Joseph Trojan

34,264

Typed or printed name

Registration Number, if applicable

9250 Wilshire Blvd., Suite 325, Beverly Hills, CA 90212

310-777-8399

Address

Telephone Number

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Forms PCT/IB/301, PCT/IB/304, PCT/IB/308, PCT/ISA/210, PTO 2038, cvr letter**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

June 14, 2006

Date

Signature

R. Joseph Trojan

Typed or printed name of person signing certificate



1AP7 Rec'd PCT/PTO 15 JUN 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |   |                                |
|--|---|--------------------------------|
| International Application of: <b>Kashoji, Yoshihiro et al.</b> | ) |                                |
| Application No. N/A,   | ) | Examiner: Not Yet Assigned     |
| National Phase of PCT/JP2003/011963                            | ) |                                |
| Filing Date: N/A   | ) | Art Unit: Not Yet Assigned     |
| Title: Battery Type Lighter                                    | ) | Attorney Docket No. 06-05-2844 |

**STATEMENT FOR PETITION TO REVIVE UNDER 37 C.R.F. 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

The above-identified application became abandoned on March 1, 2006 for failure to file a timely and proper national stage U.S. application from PCT/JP2003/011963. Pursuant to 37 C.F.R. 1.137(b), Applicant hereby respectfully submits the following statement.

The applicant filed a Japanese application for the above-entitled invention on August 29, 2003 and filed a PCT application PCT/JP/2003/011963 on September 18, 2003. The date for filing a national entry application in the U.S. was February 28, 2006. The Japanese company which is the assignee of the Japanese application was in the process of going through a change of ownership and there was a loss of continuity in the monitoring of the company's patent portfolio during the transition period. After the sale of the company was complete, the new owners assessed the company's patent portfolio and realized that the national stage entry date for this application was unintentionally missed. The owners immediately instructed its U.S. patent counsel to file a U.S. national stage application and this petition to revive.

Accordingly, the entire delay from the date of abandonment until the filing of this petition and national stage U.S. application was unintentional. Because the applicant has now submitted a complete national stage U.S. application along with this petition to revive and all of the necessary fees, the applicant respectfully requests that this petition be granted.

Respectfully submitted,

Trojan Law Offices  
By

June 14, 2006

R. Joseph Trojan  
Reg. No. 34,264